UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

TOWN OF WOLFEBORO, Plaintiff, v. WRIGHT-PIERCE, Defendant.	)	Civil Action No. 1:12-cv-00130-JD

WRIGHT-PIERCE'S MEMORANDUM OF LAW IN SUPPORT OF ITS OBJECTION TO THE TOWN OF WOLFEBORO'S MOTION IN *LIMINE* TO PRECLUDE HALEY & ALDRICH EXPERT TESTIMONY

NOW COMES the defendant, Wright-Pierce ("Wright-Pierce"), by and through counsel, Donovan Hatem LLP, and respectfully submits this Memorandum of Law in support of its Objection to the Town of Wolfeboro's ("Town") Motion in *Limine* to Exclude the Haley & Aldrich ("H&A") Experts or in the Alternative Limit Their Testimony (hereinafter, "Motion"). As discussed more fully below, the H&A experts are well qualified to offer expert opinions on the professional standard of care, and H&A's opinion that the Town's Rapid Infiltration Basin ("RIB") site can be remediated is admissible because it meets all of the requirements of Fed. R. Evid. 702.

INTRODUCTION

The Town seeks to preclude H&A's expert testimony in this matter by asserting that these experts are not qualified to provide opinions on services allegedly related to slope failure, and H&A's proposed remediation plan. In support of its positions, the Town simply argues that H&A's experts have hydrogeological and geotechnical

backgrounds, and, therefore are not able to provide standard of care opinions as to Wright-Pierce, which the Town describes as an engineering firm.

This premise is misplaced because the thrust of the Town's criticisms of Wright-Pierce relate to hydrogeological services that Wright-Pierce provided on the project, either in-house or through a subconsultant. In addition, the remediation design scheme concerns reinforcement of the slope, which falls squarely within the expertise of the H&A experts. In addition, Wright-Pierce has also disclosed Richard Moore, P.E. of City Point Partners, LLC as its engineering standard of care expert to address Wright-Pierce's engineering services. This Court should deny the Town's Motion because the H&A testimony meets all the requirements of Rule 702 and *Daubert*.

BACKGROUND

The Town concedes that the "Project required the expertise and cooperation of multiple engineering disciplines," *see* Town's Motion, p. 3, and also admits that Wright-Pierce retained two sets of experts to opine on the standards of care applicable to the various disciplines involved in the project. See Town's Motion, p. 7. Specifically, Wright-Pierce retained the H&A experts, including John R. Kastrinos ("Mr. Kastrinos"), a professional geologist and licensed professional hydrogeologist, and John G. DiGenova ("Mr. DiGenova") a professional geotechnical engineer licensed in New Hampshire. (**Exhibit 1**; H&A Resumes.) In addition to the H&A experts, Wright-Pierce also retained Richard Moore, P.E. of City Point Partners, LLC ("Mr. Moore") who is a professional engineer specializing in the design and planning of subsurface wastewater disposal systems. (**Exhibit 2**; Moore Resume.)

Mr. Kastrinos did not opine as to engineering services provided on the project, but instead directed his opinions as to hydrogeological services provided by Wright-Pierce, which have been criticized by the Town. He testified at his deposition that H&A was "defer[ing] to Mr. Moore with respect to what is the standard of care for a [prime] wastewater engineer." (**Exhibit 3**; Kastrinos Depo. Tr. p. 100, 214, lines 4-8 and 6-10.) Additionally, Mr. DiGenova provided an opinion that the RIBs can be remediated by utilizing a standard, conceptual remedial approach that is presented in the H&A Report, which is admissible because it meets all of the requirements of Rule 702. (**Exhibit 4**; DiGenova Depo. Tr. p. 29-35.) (**Exhibit 5**; H&A Report p. 24-25.)

The Town retained Wright-Pierce to provide engineering services in connection with the design and construction of a RIB system to dispose of its treated effluent. On July 11, 2007, NH DES issued a Groundwater Discharge Permit (the "2007 Permit") for the disposal of up to 600,000 gallons per day ("gpd") of wastewater to the RIBs. Wright-Pierce had recommended to the Town that they start the RIBs up at 600,000 gpd for three (3) weeks, followed by a week of no loading, during which time it intended to study the site. However, the Town had allowed its effluent storage pond to fill beyond the level where it felt comfortable and eschewed Wright-Pierce's recommendations by seeking to use the RIB site to cure that problem.

On March 2, 2009, the Town began operating RIBs 1, 2, and 3 at an initial loading rate of 800,000 gpd, doing so for three (3) weeks. Site observations were made after the initial three (3) week loading period and no slope failures or breakout were identified at that time. After the initial three (3) weeks, Wright-Pierce was informed by David Ford that the loading rate was being greatly reduced, well below 600,000 gpd. In

fact, the Town continued to load at higher levels, including dangerous levels far in excess of the 800,000 gpd warning point that Wright-Pierce had provided to the Town via its formal report on the site.

On April 20, 2009, after the Town had loaded the site well over 800,000 gpd the Town noticed groundwater penetrating through the hillside of the Project site in several areas. In early 2011, S.W. Cole Engineering, Inc. ("S.W. Cole") was retained by Wright-Pierce, at the Town's request, to evaluate the hydrogeological and geotechnical conditions at the RIB site. On November 30, 2011, S.W. Cole issued a Hydrogeological and Geotechnical Engineering Services Report (the "S.W. Cole Report") (**Exhibit 6**; S.W. Cole Report.) The S.W. Cole Report recommends remedial measures for the site, and concludes that "preliminary mitigation design options be evaluated in more detail and cost estimates for implementation be prepared." ***Id.*** at p. 23.

On December 19, 2012, Wright-Pierce served the Town with an expert report prepared by H&A entitled, "Report On Review Of Hydrogeologic And Engineering Work Related To Rapid Infiltration Basins Conducted For The Town Of Wolfeboro New Hampshire" (hereinafter, "H&A Report"). The Executive Summary section of the H&A Report opines that Wright-Pierce met the standard of care for professionals who evaluate subsurface wastewater disposal sites as follows:

> - It is our opinion that the services performed by Wright-Pierce in siting the Town of Wolfeboro RIBs and characterizing the site hydrogeology was appropriate and consistent with the standard of care for engineers, geologists, and hydrogeologists who typically participate in the evaluation of sites for subsurface disposal of treated wastewater.[1]

(**Exhibit 5**, pg. 1, 20.) (Emphasis Added.)

[1] The H&A Report repeats this very same opinion about the Standard of Care in Section 4.5 (**Exhibit 5**, p. 20.)

The H&A Report opines that Wright-Pierce's professional services were "appropriate and measured" and "consistent with the state wastewater design practice," ***Id.*** at p. 12, and that the "modeling performed by Wright-Pierce supported its conclusion that the site was well-suited to infiltrating the permitted loading rate of 600,000 gpd." ***Id.*** at p. 16. Mr. Kastrinos is a licensed professional hydrogeologist who has worked on numerous rapid infiltration projects. (**Exhibit 3**; Kastrinos Depo. Tr. p. 6-21.) At his deposition, the Town's counsel repeatedly asked him to identify the specific "standard of care" that was the subject of his opinion. ***Id.***, p. 30, 41-43, 48-52, 63-67, 74-75, 82-83, 97-100, 130, 152, 155-156. In response, Kastrinos repeatedly confirmed that he was testifying as to the standard of care involved in the RIB siting process, characterization of soil conditions, and site hydrogeology, and how they relate to both hydraulic capacity and rate and transport, and capacity of the site. ***Id.*** at p. 49, 65, 74 ("I can only speak to how a hydrogeologist determines the capacity of a RIB site.") He explained that his colleague, Mr. DiGenova of H&A, is a geotechnical engineer, and was offering an opinion as to "the geotechnical analysis." ***Id.*** at pg. 52, 54, 100.

And he clarified that Mr. Moore, and not H&A, was testifying as to the standard of care for a "prime" wastewater engineer. ***Id.*** at p. 100. Furthermore, Mr. DiGenova testified at his deposition about recommendations in the H&A Report for "implementing engineered mitigation" including "diversion of groundwater to reduce hydraulic gradient . . . [a]nd armoring of slopes." (**Exhibit 4**, p. 29-35.) The H&A Report and Mr. DiGenova's deposition testimony reflect that his opinions relative to remediation meet the requisite requirements for expert testimony under Fed. R. Evid. 702.

Additionally, the H&A expert opinions are, in part, developed to respond to criticisms made by the Town's experts, most of which have similar disciplines to the H&A experts that the Town seeks to strike, albeit with far less experience than the H&A experts in design and construction of RIB sites. For instance, Jean Benoit and Christopher Cullen have geotechnical engineering backgrounds, and Robert Bowden is a hydrogeologist, while Phillip Forzley specializes in hydrology and hydraulics.

STANDARD

Part of the gate-keeping function of trial court is to ensure that expert testimony that will be presented to a jury is both relevant and rests on a reliable foundation. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 587 (1993). The admissibility of expert opinion testimony is governed by Fed. R. Evid. 702. Under Rule 702, the court serves as a gatekeeper, "ensuring that an expert's testimony both rests on a reliable foundation and is relevant to the task at hand." *Daubert*, 509 U.S. at 597; *see also Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 147 (1999).

"Generally, if an expert has scientific, technical and other specialized knowledge that will assist the trier better to understand a fact in issue and that knowledge rests on a reliable foundation, that testimony must be admitted." *Cruz-Vasquez v. Mennonite Gen. Hosp., Inc.*, 613 F.3d 54, 57 (1st Cir. 2010); *Jenks v. New Hampshire Motor Speedway*, 2012 WL 72276, *2 (D.N.H. 2012). "Rule 702 has been interpreted liberally in favor of the admission of expert testimony" and "[a]s such, expert witnesses need not have overly specialized knowledge to offer opinions." *Levin v. Dalva Bros.*, 459 F.3d 68, 78 (1st Cir. 2006).

DISCUSSION

The Town's attempt to preclude H&A's expert testimony fails as a matter of law where all of the opinions provided meet the requirements of Fed. R. Evid. 702 and *Daubert*. Kastrinos and DiGenova have education and experience in the design and construction of RIB sites and base their opinions on reliable scientific basis. In *Daubert*, the U.S. Supreme Court recognized four indicia of reliability. *Milward v. Acuity Specialty Prods. Group*, 639 F.3d 11, 14 (1st Cir. 2011) citing *Daubert,* 509 U.S. at 593-594. These factors "do not constitute a 'definitive checklist or test.'" *Kumho Tire Co.*, 526 U.S. at 150 quoting *Daubert*, 509 U.S. at 593.

A. Mr. Kastrinos Is Qualfied To Testify As An Expert And To Offer Opinions About Whether Wright-Pierce Met The Professional Standard Of Care.

As noted above, Rule 702 provides that a witness may be qualified as an expert for his knowledge, skill, experience, training, *or* education. *See* Fed. R. Evid. 702. "[T]he use of the disjunctive indicates that a witness may be qualified as an expert on any one of the five listed grounds." *Friendship Heights Assoc. v. Koubek*, 785 F.2d 1154, 1159 (4th Cir. 1986).

In the present case, Mr. Kastrinos is uniquely qualified to testify as an expert on all five grounds, because of his knowledge, skill, experience, training, *and* education. (**Exhibit 1**; Appendix A, Resume of John R. Kastrinos.) Apart from being a licensed geologist, he is also a licensed hydrogeologist, which required a master's degree, six years of experience in the industry, and passing a one-day exam to become accredited. (**Exhibit 3**, p. 8, line 1-7.) Furthermore, Mr. Kastrinos has decades of experience working on rapid infiltration wastewater projects, including the Fort Devens project in

Ayer, MA. ***Id.*** at p. 10, line 7-24. And he worked on a major a RIB project for the town of Yarmouth, MA. ***Id.*** at p. 20, line 9-19.

As the Town concedes, the fundamental issues in this case concern whether Wright-Pierce complied with the "applicable professional standard of care in the investigation, capacity analysis, selection evaluation, design, and operation" of the RIB System. *See* Town's Motion, p. 1. The Town's experts specifically criticize Wright-Pierce's investigation and hydrogeological modeling of the site. (**Exhibit 7**; Fuss & O'Neil Report, p. 30-34.) Mr. Kastrinos testified that he is offering an opinion as to "what I know of practicing hydrogeologists and their work in siting and hydrogeologic characterization of wastewater disposal sites," (**Exhibit 3**, p. 41, line 22-24.) This includes site selection, capacity analysis, design, and operation, all of which can fall under various disciplines, including hydrogeology. He explained that "Wright-Pierce met the standard of care in siting the RIBs and characterizing their capacity, their hydraulic capacity." ***Id.*** at 48. He also stated that an "engineer of record . . . when you're talking about subsurface disposal of wastewater, would prudently include geologists, hydrogeologists, soil scientists perhaps. People who understand subsurface soils." ***Id.*** at 74.

This Court should reject the Town's argument that Mr. Kastrinos is not qualified to offer an expert opinion on the "applicable professional standard of care in this case." The Town's counsel badgered Mr. Kastrinos about what he considered the applicable standard of care, and he repeatedly explained that H&A was testifying as to the standard which is set forth in the H&A Report:

- It is our opinion that the services performed by Wright-Pierce in siting the Town of Wolfeboro RIBs and characterizing the site hydrogeology

> was appropriate and consistent with the standard of care for engineers, geologists, and hydrogeologists who typically participate in the evaluation of sites for subsurface disposal of treated wastewater.[2]

(**Exhibit 5**; H&A Report, p. 1, 20; **Exhibit 3**, Kastrinos Depo. Tr., p. 41-43, 48-51, 63-68, 74, 99-100,130-131, 152-154, 156.) To the extent that the Town is quarreling with the way Mr. Kastrinos articulated the appropriate standard of care, it is free to explore that issue on cross examination at trial. As the First Circuit notes, "[e]xpert testimony on industry standards is common fare in civil litigation." *See Levin v. Dalva Bros.*, 459 F.3d at 79. "Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means" of attacking admissible evidence. *Lacaillade v. Loignon Champ-Carr, Inc.*, 2011 WL 6001792, * 3 (D.N.H. 2011) quoting *Daubert*, 509 U.S. at 596.

In the case at bar, Mr. Kastronis has education and experience in hydrogeology and has performed professional services on numerous major RIB projects. In addition to laying out his opinions in a comprehensive expert report, he underwent an extensive deposition, therefore the Town is in a suitable position to cross-examine him at trial. The Town simply has not provided a sufficient basis to preclude him as an expert, and cannot show any prejudice in allowing him to testify.

Additionally, Mr. Kastrinos clarified that Mr. Moore had experience as a "prime" consultant, and that "Haley and Aldrich would defer to Mr. Moore" with respect to that particular standard for a design firm. (**Exhibit 3,** p. 100, 213-214.) Moore also testified at his deposition that Wright-Pierce met this standard of care for a prime wastewater engineer. (**Exhibit 8**; Moore Depo. Tr. p. 52, 72, 109, 142-143.)

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[2] The H&A Report repeats this very same opinion about the Standard of Care in Section 4.5 (**Exhibit 5**, p. 20.)

This Court should find that Mr. Kastrinos permissibly offered an opinion concerning industry standards that will be helpful to the jury in resolving the legal question before it. *Levin v. Dalva Bros.*, 459 F.3d at 78. Mr. Kastronis is well qualified to testify as to his opinions concerning the development of an RIB site. Accordingly, this Court should deny the Town's Motion and allow him to testify consistent with his opinions.

B. Mr. DiGenova Should Not Be Precluded From Testifying At Trial That Wright-Pierce Met The Applicable Professional Standard Of Care.

The Town's Motion states that "[f]or purposes of the Motion, Wolfeboro concedes that Mr. DiGenova has experience and expertise in geotechnical engineering, and expressly reserves the right to call him at trial." *See* Town's Motion, p. 12 (emphasis supplied). Nevertheless, the Town disingenuously argues that Mr. DiGenova should be excluded from testifying that Wright-Pierce "met the applicable standard of care." *See* Town's Motion, p. 13. Once again, the Town's Motion should be denied because it mischaracterizes the content and context of Mr. DiGenova's opinion testimony.

As the First Circuit notes, "[e]xpert testimony on industry standards is common fare in civil litigation." *See Levin v. Dalva Bros.,* 459 F.3d at 79. "Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means" of attacking admissible evidence. *Lacaillade v. Loignon Champ-Carr, Inc.*, 2011 WL 6001792, * 3 (D.N.H. 2011) quoting *Daubert*, 509 U.S. at 596.

Mr. DiGenova prepared two sections of the H&A Report Executive Summary; *i.e.*, the sections which (1) discuss Weston & Sampson's failure to "identify slope instability as a potential issue or recommend further geotechnical analysis or mitigation

measures;" and, (2) opine that "the potential for slope instability is an unusual and relatively rare consideration" and based on H&A's review of published information, it finds that "wastewater engineering literature, practice guidelines, and regulations are focused on hydraulic parameters" with "no significant references to geotechnical analysis." (**Exhibit 5**, p. 2; **Exhibit 3**, p. 153, line 14-19.)[3] When the Town's counsel deposed Mr. DiGenova, she did not ask him any questions about these topics. Instead, she questioned him about the standard of care for a "geotechnical engineer." (**Exhibit 4**, p. 57.) The H&A Report includes an opinion that it is unusual to utilize geotechnical engineering services on an RIB site. (**Exhibit** 5, p. 2, 16.) Contrary to the Town's misstatements in its Motion, Mr. DiGenova did not testify that Wright-Pierce failed to meet the standard of care.

Mr. DiGenova specifically opined and stated that Wright-Pierce's investigation services complied with the standard of care relative to the various disciplines relied upon and used by design professionals involved in RIB sites. (**Exhibit 5**, p. 1-3.) Accordingly, this Court should deny the Town's Motion and permit Mr. DiGenova to testify consistent with his disclosed opinions.

C. Mr. DiGenova Provides Admissible Opinions Regarding The Causes Of Slope Failure, And That The RIBs Can Be Remediated.

This Court should also reject the Town's argument that H&A's opinions in Section 5 of its Report, entitled "Likely Cause Of Slope Failure And Conceptual Approach To Remedy Conditions Downslope Of The Ribs" should be excluded. Section 5 of the H&A Report is admissible because it meets the requirements of Rule 702 and *Daubert.* (**Exhibit 5**, p. 22-25.)

[3] Mr. Kastrinos identified the portions of the Executive Summary that Mr. DiGenova prepared. (**Exhibit 3**, p. 153.)

Specifically, H&A's opinions are reliable because they offer a detailed explanation about the causes of slope failure and piping, based upon an accepted methodology for measuring seepage force, as described in the scientific literature by R.A. Freeze and J.A. Cherry, Ground Water, Englewood Cliffs, NJ, Prentice-Hall, 1979. (**Exhibit 5,** p. 22.) Furthermore, H&A provided a detailed and accurate description of the evidence it considered, including the excessively high loading rates utilized by the Town of "*about 800,000 gpd for a period of 21 days, which is higher than Wright-Pierce recommended, above the rates simulated by Watershed Hydrogeologic's modeling, and above the allowable loading under the Town's Groundwater Discharge Permit*." ***Id.*** at p. 22-23 (emphasis supplied). H&A quoted an email from David Ford, the Town's public works director, dated May 7, 2009, which admitted overloading as follows:

> Based on info I have now it appears the Town under my direction overloaded the RIBs during the period from 3-4 to 3-25, during the spring, with high ground water and snow melt, a most likely bad combination.

Id. at p. 23. Section 5 also notes that "[f]ield data collected by S.W. Cole appear to corroborate the Town's stated concern, expressed in the above statement, with respect to the compounding effects of excessive loading and high groundwater levels." ***Id.***

The opinions expressed by H&A in Section 5 are admissible because H&A employed a "theory or technique [that] . . . can be (and has been) tested," to measure seepage force, and that "has been subjected to peer review and publication," and that "enjoys general acceptance within a relevant scientific community." *Kumho Tire co. v. Carmichael*, 526 U.S. at 149-150, quoting *Daubert*, 509 U.S. at 592-594. Moreover, apart from independently analyzing the causes of slope failure, H&A considered the field data in the S.W. Cole Report, explaining that "[t]his seasonal variability expresses itself

in the hydrographs provided by S.W. Cole in their Appendix F." ***Id.*** It is well settled in the First Circuit that "when an expert relies on the opinion of another, such reliance goes to the weight, not the admissibility of the expert's opinion." *Ferrara & DiMercurio v. St. Paul Mercury Ins. Co.*, 240 F.3d 1, 9 (1st Cir. 2001); *Warford v. Industrial Power Systems, Inc.*, 553 F.Supp.2d 28, 35 (D.N.H. 2008). H&A's conclusion that "the Town's delays in commissioning and implementing a geotechnical investigation [by S.W. Cole] exacerbated the problem, as piping and slope instability likely continued and even worsened" has a reliable scientific basis and is admissible.

Finally, there is nothing speculative about Mr. DiGenova's deposition testimony that the Section 5 analysis is "preliminary" and that "additional studies would need to be undertaken." (**Exhibit 4**, p. 32.) As the Town notes, in addition to opining about the causes of slope instability, Section 5 of the H&A Report also "describes conceptually the measures that can be taken to remedy the slope conditions, manage seepage from the RIB loading, and return the site to a condition that will allow for ongoing use and future increases to the loading rate, without adverse piping, erosion, and associated loss of ground." (**Exhibit 5**, p. 15.) Specifically, Section 5 recommends additional scientific studies including:

- Additional field reconnaissance and explorations to identify and delineate potentially problematic areas . . .
- Field exploration to estimate the extent of the impacted area and provide additional subsurface information for use in groundwater flow modeling coupled with slope stability analyses for evaluating repair design alternatives, define the extent of areas to be mitigated, and for the planning of a field test program to evaluate repair performance . . .
- Establishing anticipated upper limit for loading rate based on hydrogeologic modeling, field testing and phased system implementation . . .

Id. p. 24-25. H&A recommendations for additional field explorations and scientific studies are predicated upon a reliable, well-accepted methodology which includes additional subsurface data collection, additional groundwater flow modeling, coupled with slope stability analyses, and establishing an upper limit for loading by monitoring and observing system performance, all of which are techniques that meet the four *Daubert* indicia of "reliability" because: (1)The technique or methodology can be (and has been) tested, (2) The technique or methodology has been subjected to peer review and publication, (3) The technique or methodology has standards controlling the technique's operation, and (4) The technique "enjoys general acceptance within a relevant scientific community." *Kumho Tire Co. v. Carmichael*, 526 U.S. at 149-150, quoting *Daubert*, 509 U.S. at 592-594.

Similarly, H&A's suggestions for slope mitigation measures are also well accepted within the scientific community, and were also recommended by S.W. Cole. (**Exhibit 6,** p. 23-24.)[4] Mr. DiGenova confirmed at his deposition that while the recommendations may be conceptual, they are also predicated on H&A's considerable "experience with similar sites where the mitigation measures we're presenting here and presented in this report are very common stabilization techniques for other slopes of similar characteristics." (**Exhibit 4**, p. 33.) In short, Mr. DiGenova's opinions are admissible because they have a "reliable basis in the knowledge and experience of his

[4] The H&A Report states that "Conceptually, slope mitigation could involve the following:

- Re-grading the slope surfaces affected by erosion or instabilities,
- Stabilizing the slopes in areas of higher exit gradients using a graded filter and surface armoring to prevent piping and instabilities, and/or using subsurface drainage to intercept seepage,
- Protecting the slope from surface erosion by seepage channelization, vegetation, or similar methods,
- Introducing groundwater seepage to the downgradient areas through level spreaders.

(**Exhibit 5**, p. 25.)

discipline" and conform to recommendations by S.W. Cole. *Kumho Tire Co.*, 526 U.S. at 144, quoting *Daubert*, 509 U.S. at 592.

CONCLUSION

WHEREFORE, the defendant, Wright-Pierce, respectfully requests that this Honorable Court:

A. DENY the Town of Wolfeboro's Motion to Exclude the Haley & Aldrich Experts Or Limit Their Testimony in its entirety; and,

B. GRANT such other relief as is just and equitable.

Respectfully Submitted by,

WRIGHT-PIERCE

By its attorneys,

Dated: March 27, 2014

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CERTIFICATE OF SERVICE

In accordance with Local Rule 5.4(b), I hereby certify that this document filed through the ECF system on March 27, 2014, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants.

/s/*Kelly Martin Malone*
Kelly Martin Malone